

United States District Court
225 Cadman Plaza East,
Brooklyn, New York 11201

Civil Case: No. 23-05261

REC'D IN PRO SEC OFFICE
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Dear Honorable Taryn A. Merkl,

I would like to motion to intervene in civil case 23-05261.

I am writing this with a great deal of disappointment, a great deal of dissatisfaction, and a great deal of concern pertaining to the matter at hand. These past few months have been those of confusion, manipulation, and outright hypocrisy. I am writing this to clear the air on these abrasions afflicting the union. Your Honor and the Honorable Court of the Eastern District of New York, these abrasions are the reasons as to why this union has gotten nowhere; not an inch towards a contract or confidence within this union. I am writing this Your Honor, to address various statements made in court (rather in court or motions submitted to the court) that involve me or have something to do with me.

Response to Jeanne Mirer

From what I am reading, I believe Jeanne Mirer has either taken me out of context because she is privy to what is going on in this union and narrative that is being pushed, or she is deliberately making statements that are fellicious which could be interpreted as her being hypocritical. I hope she is aware of her presumed errors and mistakes, because it is widely known amongst the membership of the union that she has never been a believer or supporter of the constitution of this union as she is making it seem with her statements to the court.

One, when she speaks of upholding the constitution of this union, it has never been her intention nor has she ever upheld the constitution of this union. There have been numerous occasions where esquire Jeanne Mirer support for the union's constitution was needed but it was nowhere to be found. The court, the media can ask any member of the union if she's a believer of the union constitution of the union or even a legal protector of the membership. I know this because once upon a time her legal obligation was needed to intervene in matters that would have upheld the constitution of this union and safeguard the membership.

For example, when I attempted to utilize the due process procedure of the constitution of this union, the constitution of this union was violated. I did not hear not a word from Jeanne Mirer about this violation of this constitution. This violation could set a dangerous precedent that it is okay to violate the union of this union, and with Jeanne Mirer's career as lawyer she should

know better than to just stand by and let violations of structural documents to transpire, especially those that she claims to believe in. And the reason for her silence in the matter of the violation I am speaking of is because she is a presumed fixer for Christian Smalls rather than a lawyer for the union. How did I come to this reasoning? The violation which I speak of occurred when I attempted to remove Christian Smalls from his post in the union for he has prolonged his time for any good he may do for the union or the membership. I had filed charges with Claudia Ashterman¹ against Christian Smalls to show his inept leadership abilities and why he needs to be removed from his post, which is part of her duty to file charges, she refused to file the charges. Ms. Ashterman acknowledged that she got my charges. My charges were even certified mailed to the union hall to make sure it was received.² There were also emails exchanged concerning this matter, which Jeanne Mirer was included in;³ in other words she had knowledge as to what was happening. Jeanne Mirer did not intervene in this matter, she did not show her support of the constitution of this union. She was silent. Not only was she silent in this matter, she was most likely working with the side that was in violation of the constitution (Christian Smalls & Claudia Ashterman). And this lack of discernment coming from a lawyer is unacceptable.

Further example of Jeanne Mirer's lack of support for the constitution of this union was when Christian Smalls attempted to remove Michelle Valentin-Nieves from her role as vice president of the union without utilizing the internal remedies of the union and bringing her before the membership of the union to explain why she is no longer worthy of being the vice president, he didn't. Instead, he used a very shady method on attempting to remove. First, he had paid an "outside" law firm to get involved in the union's business and then accepted the judgment of said "outside" law firm instead of bringing her before the membership and putting her on trial.⁴ Furthermore, he then changes the locks of the union hall, preventing Michelle from having entry into the union hall. Michelle, who is an officer of the union, has to be removed from her post by charges being brought against her and she's brought before the member for her trial and found guilty. This is the only way, as the constitution of the union lays out, to remove an officer of the union without said officer resigning (such as Derrick Palmer and Connor Spence) or losing their position due to an election. Jeanne Mirer knew that the method that Christian Smalls took in his attempted removal of Michelle from her position was not consistent with the rules and procedures laid out within the framework of the constitution of the union. What did Jeanne Mirer do or even say? She did and said nothing. And these moves being made by Christian Smalls were a clear violation of the union's constitution.

Those are just several examples I can provide to show that Jeanne Mirer could care less about this union's constitution. So, with me reading Jeanne Mirer's recent filing with the court, I was a

¹ Exhibit One (1)

² Exhibit Two (2)

³ Exhibit Three (3)

⁴ Exhibit Four (4)

bit perplexed to see that she's sounding like a fervent believer and supporter of the union's constitution.

To show another example of Jeanne Mirer's indifference towards the constitution of this union and the membership is recently. The agreement agreed upon in November had stated that there would be a referendum on what course the union should take. From the information that has been put out there, the membership had voted to have elections of the four executive officers. However, knowing that this is what the plurality of the membership wants, Jeanne Mirer is stating in court that the membership do not want elections, which is a misleading statement. The referendum has already happened, the results are out, the membership wants elections; one may disagree but THE MEMBERSHIP HAS SPOKEN!

Response to Arthur Schwartz

I don't necessarily disagree with what Arthur Schwartz is stating. From my point of view, when we speak on recent developments concerning the elections, he is stating the obvious. Jeanne Mirer is using the "Motion to Intervene" as a stalling tactic. Christian Smalls and his side had a chance to campaign on a "no" vote, but from my knowledge of knowing Christian Smalls he probably did not campaign. So, it is not the Caucus' fault that they campaigned for a "yes" vote and the membership agreed with them. However, the apple doesn't fall too far from the tree. With the events that have occurred within the union since November of last year, it wouldn't surprise me if the Caucus was the lesser of the two evils. There were a bunch of nefarious activities taking place; backhand deals were being made. My main concern with Arthur and the Caucus is ensuring that the elections are free and fair. What has been going on and what members of the Caucus have been saying, the elections essentially an unofficial anointment rather than members of the union competing with each other to see who has better policies for the membership. My fear is that the Caucus is attempting to have little to no one run against them. Furthermore, the Caucus is always making the argument that they want democracy within the union and that they are true believers of a democratic union. And how is that democratic? Being democratic is adding more voices not attempting to reduce more voices; the more candidates there are the more democratic the election will be.

Conclusion

In conclusion, we are like a deer caught in a headlight. On one hand a majority of us believes that this union needs new leadership, however the situation at the warehouse is very dire and needs attending to; getting a contract. This is why I hope Your Honor that you take a very close look and keep a very close eye on what is happening because we are in a very decisive moment. This could be make or break for us.

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Respectfully,
Cherno Toure

Exhibit I

Chermo Toure
Office of Grievance
900 South Avenue
Suite 100
Staten Island, New York, 10314
United States of America
North America, Earth
The Solar System
The Milky Way, The Universe

chermotoure@gmail.com (personal) & chermo@amazonlaborunion.org (work, but disabled or hacked or whatever is going on)

Phone: 256-749-4087

Claudia Ashterman

Recording Secretary

900 South Avenue, Suite 100

Staten Island, N.Y. 10314

January 13th, 2024

Dear Ms. Ashterman,

I, Chermo Toure am submitting superseding charges, as per Article 9, Section 10.2 (FIRST SENTENCE), of the Amazon Labor Union's (also known as the "ALU" or "the Union") constitution against ALU's President Christian Smalls for conduct unbecoming of a member of the Union. Violating ALU's constitutional MEMBERSHIP PLEDGE and Article 3 of the Union's constitution on numerous occasions. Such as, **but not limited to**, violating Article 3:

Section 3.2 (a)

Section 3.2 (b)

Section 3.2 (c)

Section 3.2 (f)

Section 3.2 (g)

Preliminary Statement:

- The evidence will show that Christian Smalls, the President of the Amazon Labor Union, violated the constitution and the office of the presidency by not attending meetings.
- The evidence will show that Christian Smalls, the President of the Amazon Labor Union, has failed to preserve order and enforce the constitution.

- The evidence will show that Christian Smalls, the President of the Amazon Labor Union, has failed to partake in committees of the Union.
- The evidence will show that Christian Smalls, the President of the Amazon Labor Union, was not at **ALL TIMES** responsible to the Executive Board (either current or previous) of the operations of the Union.
- The evidence will show that Christian Smalls, the President of the Amazon Labor Union, to establish and/or partake in the day-to-day functions of the Union by establishing policies and procedures to that end.
- The evidence will show that Christian Smalls, the President of the Amazon Labor Union, is an absentee president.
- The evidence will show that Christian Smalls, the President of the Amazon Labor Union, knowingly made false statements and/or misled Union members.
- The evidence will show that Christian Smalls, the President of the Amazon Labor Union, does not fulfill his duties as president faithfully.

Respectfully submitted,

Mr. Chermo Toure (Director of Grievance)

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Dimensions: 18x14x9			
Estimated Delivery Date			
Sat 01/20/2024			
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Return Receipt			\$3.55
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Exhibit 2